

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

4
FILED
JAN 04 2019
CLERK'S OFFICE
DETROIT

UNITED STATES OF AMERICA,

Plaintiff,

CRIM. CASE NO: 95-50061

v.

HONORABLE BERNARD A. FRIEDMAN
SENIOR U.S. DISTRICT JUDGE

DION ERIC SAVAGE,

Defendant.

MOTION FOR A SENTENCE REDUCTION PURSUANT TO SECTION
404 OF THE FIRST STEP ACT/CRIMINAL JUSTICE REFORM ACT,
AND MOTION TO EXPEDITE THE PROCEEDINGS

NOW COMES Dion Savage, proceeding Pro Se in the above captioned-matter. The Defendant invokes the legal doctrine as prescribed under Franklin v. Rose, 765 F.2d 82, 84-85 (6th Cir. 1985), in the instant proceedings.

Section 404 of the First Step Act of 2018, reads in pertinent part:

A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if section 2 and 3 of the First Step Act of 2018 (Public Law 111 220; 124 Stat. 2372) were in effect at the time of the covered offense was committed.

Your Honor, the initial motion pursuant to the First Step Act/Criminal Justice Reform Act of 2018 was prepared in 2016 because I was under the assumption that Congress/Senate was going to pass the SRCA in 2016 under then President Obama. However, as the Court knows that did not take place. On December 20, 2018,

I filed the § 3582(c)(2) Motion which became law on December 24, 2018 because the First Step Act/Criminal Justice Reform Act of 2018 made the Fair Sentencing Act fo 2010 retroactive, which in turn eradicated my mandatory minimum life sentence under § 848(b)(1.5 KG, § 841(b)(1)(B)(iii) 300 times the quantity described in § 841(b)(1)(B)(iii), to a Guidelines Range sentence of 210 to 262 months (minus 2-points for Amendment 706, minus 4-BOL points for Amendment 750 & minus 2-BOL points for Amendment 782. Under the FSA it requires 8.4 KG of crack to trigger the mandatory minimum life sentence under § 848(b). The conspiracy of Eric Simpson, Mark Anderson, Martez Coleman and the Defendant was held responsible for 1.5 KG of crack cocaine, and for the record all of the above co-defendants received the benefits of ALL three of the aforementioned Amendments and ALL three codefendants are out of prison). To be sure, now that the law has changed and the FSA of 2010 is retroactive, the Defendant should be able to reap the benefits of ALL three Amemdments (706, 750 & 782).

Your Honor, the Defendant has been incarcerated for 258 months and my children are 37, 31, 28 & 26 respectively and I now have 7 grandchildren. My mother and father, both of which have retired from GM, are now 77 and 79 years of age respectively. I have been a model prisoner. I love the read and learn the law. I work in the Law Library and have been since I arrived here at FCI Pekin (3/26/11). I have not received an incident report in well over 15 years. I am not a threat to the community or to no one, for

that matter.

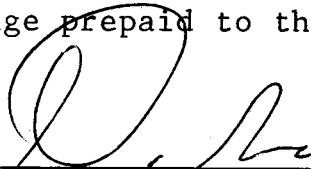
I am not completely sure if the instant proceedings is required to be filed under § 3582(c)(2) or under Section 404 of the First Step Act/Criminal Justice Reform Act of 2010. Thus, out of the abundance of caution, I implore the Court to construe my requests for a sentence reduction under the appropriate statute which invokes the Court's jurisdiction and provides the Court the discretion to reduce my "draconian" mandatory minimum life sentence to a sentence of 240, and to apply all of the extra time that I have done over the 240 sentence to the reduction of time off of my supervised release in accord with Johnson, supra.

WHEREFORE, the Defendant respectfully requests the Court to grant the relief requested above.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion has been placed in U.S. First Class Mail, this day of December 31, 2018, with the postage prepaid to the party below:

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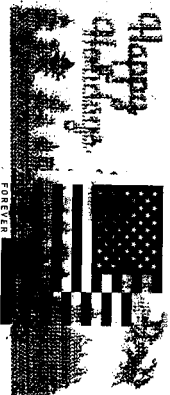
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19734-039

US District Court
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Detroit, MI 48226
United States

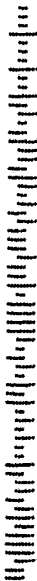
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